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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

\*E-FILED - 3/23/06\*

12 MELINA RAZAVI,

Case No. C-04-02515 RMW

Plaintiff,

## ORDER DISMISSING CASE

15 JOANNE HOLLAND, and ANDY MORTENSEN,

[Re Docket No. 39, 40]

## Defendants.

18 On January 13, 2005 this court dismissed plaintiff Melina Razavi's claims with forty-five  
19 days leave to amend. On May 3, 2005 this court issued an Order to Show Cause re Dismissal,  
20 requiring Razavi to file a declaration showing good cause for not filing an amended complaint by  
21 May 17, 2005. On May 18, 2005 Razavi filed a letter with the court (dated May 15) explaining that  
22 she was unsure how to file an amended complaint. She also enclosed her original complaint and a  
23 document purporting to be the "first amended complaint" that stated only "[t]his is to amend the  
24 original complaint based on disability. Defendants were informed of disability before termination  
25 took place and are responsible for damages."

26 The court is sympathetic to Razavi, but must dismiss her case for several reasons. For one,  
27 her amendment merely introduces a new legal theory — with no supporting facts — and does not  
28 cure any of the deficiencies noted by the court in its January 13 Order. In addition, Razavi has not

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1 served her first amended complaint upon defendants for more than 120 days after filing it. *See* Fed.  
2 R. Civ. P. 4(m). Finally, Razavi did not comply with the court's May 3 Order to Show Cause.  
3 Although she drafted a letter to the court, she did not do so before the deadline, did not file the  
4 requisite declaration or affidavit, did not serve defendants with a copy, and did not offer an adequate  
5 excuse for failing to pursue the matter. The court thus dismisses Razavi's case for

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7 DATED: March 14, 2006

*Ronald M. Whyte*

8 RONALD M. WHYTE  
9 United States District Judge

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1 **Notice of this document has been sent to:**

2 **Counsel for Defendant:**

3 Peter W. Sturges  
4 Miller Brown & Dannis  
5 71 Stevenson Street, 19th Floor  
6 San Francisco, CA 94105

7 **Plaintiff:**

8 Melina Razavi  
9 4501 Snell Avenue #2804  
10 San Jose, CA 95136  
11 PRO SE

12 Dated: March 23, 2006

13 /S/ JG  
14 Chambers of Judge Whyte

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